HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.12055 of 2000

Dated 11th day of October, 2007

Between:

Muttevi Venkata Ramakrishnamacharyulu
and four others .. Petitioners

And

The Commissioner of Endowments,
Government of Andhra Pradesh, Tilak
Road, Hyderabad
and another ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the Notice dated 22.5.2000 issued by the 2nd respondent, as arbitrary and illegal, and consequently direct the respondents not to dispossess the petitioners from the lands situated in Cherukupally Mandal, Guntur District.

The petitioners assert that they are hereditary Archakas of Sri Venkateswara Swamyvari Temple, Batchupeta from time immemorial. Now, their grievance is that the 2nd respondent—Executive Officer of the Temple issued a Notice, dated 22.5.2000 directing them to furnish their qualifications and the details of the lands belonging to the Temple and the lands owned by them. It is also stated in the notice that the petitioners shall handover possession of the lands in question and obtain receipts thereof from the 2nd respondent.

Having heard the learned counsel for both the parties and perused the material placed on record, this Court is of the view that the petitioners have filed this writ petition without exhausting the remedies that are available to them under law. The petitioners submitted a representation on 30.5.2000 to the impugned notice dated 22.5.2000 and without waiting for the orders to be passed they have filed this writ petition. The grounds that are urged in this Court can also be urged before the 2nd respondent so that he would take a decision either way. Hence, this Court is of the view that the writ petition is premature and it deserves to be dismissed.

In the result, this Writ Petition is dismissed as premature. However, as the representation was made on 30.5.2000 and during

the pendency of this writ petition, much water has flowed, the petitioners may be given another opportunity to make a fresh representation answering the Notice dated 22.5.2000 within a period of four weeks from the date of receipt of a copy of this order, and on receipt of such representation, the 2nd respondent or competent authority may pass appropriate orders in accordance with law. Till the disposal of their representation, the respondents are hereby directed not to dispossess the petitioners from the lands in their possession. No costs.

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11.10.2007

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